

**LABEL, IN PART:** "Royal Spaghetti Semolina," "Royal Brand \* \* \* Semolina Spaghetтини," or "Royal Vitamin Enriched Ingredients: Semolina, Vitamin B<sub>1</sub>, Vitamin B<sub>2</sub>, Niacin, Iron pyrophosphate. Macaroni \* \* \* Four ounces when cooked supply the following of adult minimum daily requirements: Vitamin B<sub>1</sub> 50% Vitamin B<sub>2</sub> 15% Iron 32.5% and 4.0 mg. Niacin."

**NATURE OF CHARGE:** Spaghetti. Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

Enriched macaroni. Misbranding, Section 403 (g) (1), the product purported to be and was represented as enriched macaroni, and it failed to conform to the definition and standard of identity for enriched macaroni since it contained in each pound less than 4 milligrams of thiamine and less than 13 milligrams of iron; and, Section 403 (a), the label statements "Comparative Food Values of Macaroni and Other Foods Calories Lean steak . . . 950, Potatoes . . . 365, Parsnips . . . 295, Beets . . . 230, Carrots . . . 195, Onions . . . 190, String beans . . . 170, Turnips . . . 160, Cabbage . . . 115, Lettuce . . . 65, Macaroni . . . 1665," were misleading, since the statements represented and suggested that macaroni had the highest food value of any of the foods mentioned, whereas macaroni does not have the highest food value of any of the foods mentioned. Further misbranding, Section 403 (a), the label statement "Four ounces when cooked supply the following of adult minimum daily requirements: Vitamin B<sub>1</sub> 50% Vitamin B<sub>2</sub> 15% Iron 32.5% and 4.0 mg. Niacin" was false and misleading, since four ounces of the article would not supply the stated proportions of the minimum daily requirements of vitamin B<sub>1</sub>, vitamin B<sub>2</sub>, and iron, and would not supply four milligrams of niacin.

**DISPOSITION:** April 14, 1948. Pleas of nolo contendere having been entered, the defendants were each fined \$1,125, a total of \$2,250.

**13038. Adulteration of macaroni. U. S. v. B. Filippone & Co., a corporation, and John B. Filippone. Pleas of guilty. Corporation fined \$1,500; individual fined \$150.** (F. D. C. No. 24072. Sample Nos. 87572-H, 87573-H, 87745-H, 87775-H.)

**INFORMATION FILED:** January 13, 1948, District of New Jersey, against B. Filippone & Co., Passaic, N. J., and John B. Filippone, secretary.

**ALLEGED SHIPMENT:** On or about June 10, 1947, from the State of New Jersey into the State of New York.

**LABEL, IN PART:** "La Perla' Macaroni Products," or "Puccini Brand Macaroni"; (on some packages) "Manufactured by National Macaroni Mfg. Co. Garfield, N. J."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 3, 1948. Pleas of guilty having been entered, the corporation was fined \$1,500 and the individual defendant was fined \$150.

**13039. Adulteration and misbranding of macaroni and noodle products. U. S. v. V. Viviano & Brothers Macaroni Manufacturing Co., Frank P. Viviano, and Peter R. Viviano. Pleas of nolo contendere. Fine of \$300 against company. Individual defendants ordered discharged.** (F. D. C. No. 24078. Sample Nos. 93899-H, 93900-H, 93941-H to 93945-H, incl., 94163-H, 28402-K.)

**INFORMATION FILED:** January 22, 1948, Eastern District of Missouri, against V. Viviano & Brothers Macaroni Manufacturing Co., a corporation, St. Louis, Mo., Frank P. Viviano, president, and Peter R. Viviano, vice-president.

**ALLEGED SHIPMENT:** On or about August 8, 12, 15, and 20, 1947, from the State of Missouri into the States of Colorado, Arkansas, Tennessee, and Illinois.

**LABEL, IN PART:** "De Luxe Elbow Macaroni," "Belmont Brand \* \* \* Elbow Macaroni," "Gragnano De Luxe Style \* \* \* Mezzani," "Pure Alimentary Paste Genova Style," "Viviano \* \* \* Baby Pastina," or "Gragnano De Luxe Style \* \* \* Magliettine Elbow Macaroni [or "Spaghetti"] "CAP Brand Med. Egg Noodle."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insects, insect parts and fragments, a rodent hair, and rodent hair fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

Misbranding, Section 403 (e) (2), a portion of the elbow macaroni failed to bear a label containing an accurate statement of the quantity of the contents, since the cartons bore the statement "Net Weight 7 Ounces," whereas they contained less than 7 ounces of the food.

**DISPOSITION:** May 20, 1948. Pleas of nolo contendere having been entered, the court imposed a fine of \$50 on each of the 6 counts of the information against the company and ordered the individual defendants to stand discharged.

**13040. Adulteration of macaroni and noodle products. U. S. v. Frank J. Kawakami (Denver Noodle Factory). Plea of guilty. Fine, \$10.** (F. D. C. No. 23612. Sample Nos. 82646-H to 82649-H, incl., 91980-H.)

**INFORMATION FILED:** November 10, 1947, District of Colorado, against Frank J. Kawakami, trading as the Denver Noodle Factory, at Denver, Colo.

**ALLEGED SHIPMENT:** On or about February 18 and May 23, 1947, from the State of Colorado into the States of Wyoming and Washington.

**LABEL, IN PART:** "Plain Chinese Noodles," "Chop Suey Noodle," or "Oriental Alimentary Paste."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect parts, rodent hairs, and animal hairs resembling rodent hairs; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** May 3, 1948. A plea of guilty having been entered, the court imposed a fine of \$5 on each of the two counts of the information.

**13041. Adulteration and misbranding of egg noodles. U. S. v. 93 Cases, etc.** (F. D. C. No. 22282. Sample Nos. 76070-H to 76076-H, incl.)

**LIBEL FILED:** February 11, 1947, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about December 30 and 31, 1946, by the Prince Macaroni Manufacturing Co., from Lowell, Mass.

**PRODUCT:** 475 cases, each containing 12 1-pound packages, of egg noodles at Maspeth, Long Island, N. Y.

**LABEL, IN PART:** (Portions) "Prince Pure Egg Noodles [or "Delicious Pure Egg Noodles"]," or "egg flakes."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, egg or egg yolk, had been in whole or in part omitted; and, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for noodles, since the total solids of the product contained less than 5.5 percent by weight of the solids of egg or egg yolk.

**DISPOSITION:** April 9, 1948. The Prince Macaroni Manufacturing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration.

**13042. Adulteration of egg noodles. U. S. v. 7 Cases, etc.** (F. D. C. No. 24594. Sample Nos. 24498-K to 24500-K, incl.)

**LIBEL FILED:** April 9, 1948, Northern District of Iowa.

**ALLEGED SHIPMENT:** On or about February 19, 1948, by F. W. Brice & Son, from Omaha, Nebr.

**PRODUCT:** 22 cases, each containing 12 packages, of egg noodles at Sioux City, Iowa.

**LABEL, IN PART:** "Mrs. Brice's Egg Noodles Broad [or "Medium," or "Fine"] Net Weight 12 Ounces."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** May 11, 1948. Default decree of condemnation and destruction.